

ASSEMBLY BILL

No. 1390

Introduced by Committee on Utilities and Commerce (Bradford (Chair), Fletcher (Vice Chair), Buchanan, Fong, Fuentes, Furutani, Gorell, Roger Hernández, Huffman, Ma, Nestande, Skinner, and Swanson)

February 23, 2011

An act to add and repeal Section 343 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as introduced, Committee on Utilities and Commerce. Energy crisis litigation.

Prior law, until January 1, 2010, required the Attorney General to represent the Department of Finance and to succeed to all rights, claims, powers, and entitlements of the Electricity Oversight Board in any litigation or settlement to obtain ratepayer recovery for the effects of the 2000–02 energy crisis. That law additionally prohibited the Attorney General from expending the proceeds of any settlements of those claims, except as specified.

This bill, until January 1, 2013, would reenact the above-described requirements and authorizations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 343 is added to the Public Utilities Code,
2 to read:

1 343. (a) The Attorney General shall represent the Department
2 of Finance and shall succeed to, and may exercise, all rights,
3 claims, powers, and entitlements of the Electricity Oversight Board
4 in any litigation or settlement to obtain ratepayer recovery for the
5 effects of the 2000–02 energy crisis. This section does not require
6 the Attorney General to litigate any claim, or take any other action,
7 as successor to the Electricity Oversight Board.

8 (b) The Attorney General shall not distribute or expend the
9 proceeds of any settlements of claims described in subdivision (a),
10 except in accordance with Article 9.5 (commencing with Section
11 16428.1) of Chapter 2 of Part 2 of Division 4 of Title 2 of the
12 Government Code and Division 27 (commencing with Section
13 80000) of the Water Code.

14 (c) The Attorney General shall not distribute or expend the
15 proceeds of any settlements of claims allocated to the Electricity
16 Oversight Board.

17 (d) This section shall remain in effect only until January 1, 2013,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2013, deletes or extends that date.